

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NICHOLAS SELLMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-365-D
)	
AVIATION TRAINING)	
CONSULTING, LLC,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff's Motion for Judgment [Doc. No. 74] pursuant to Fed. R. Civ. P. 12(c). Plaintiff argues that judgment should be granted as to Defendant's affirmative defenses because they lack factual support and fail to satisfy the pleading requirements articulated in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662(2009).¹ Defendant has responded in opposition [Doc. No. 84] and the matter is now at issue.

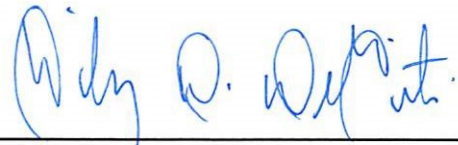
This Court has previously concluded that the *Twombly/Iqbal* standard does not apply with the same force to affirmative defenses, which are governed by Rule 8(b)(1)(A) and Rule 8(c). *See Lister v. RTR Env't, LLC*, No. CIV-19-1092-D, 2020 WL 1930448, at *1 (W.D. Okla. Apr. 21, 2020); *Wilson v. Lady Di Food Groups Holding, LLC*, No. CIV-

¹ Although styled as a motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c), the Court believes the motion is more fittingly described as a motion to strike under Fed. R. Civ. P. 12(f). *See Duncan v. M.A.R.S., Inc.*, No. CIV-14-825-D, 2014 WL 5681185, at *1 n.1 (W.D. Okla. Nov. 4, 2014). However, the Court would reach the same conclusion under either standard.

16-1424-D, 2017 WL 1458783, at *1 (W.D. Okla. Apr. 24, 2017). “An abbreviated statement of the defense, considered in context with the complaint to which the defenses are addressed, will sufficiently apprise a party of the nature of the defense for pleading purposes.” *Henson v. Supplemental Health Care Staffing Specialists*, No. CIV-09-397-HE, 2009 WL 10671291, at *1 (W.D. Okla. July 30, 2009). Here, the only affirmative defense Plaintiff specifically challenges is Defendant’s assertion that Plaintiff failed to mitigate his damages. Defendant’s Answer contains sufficient detail to apprise Plaintiff of the nature of this defense and its relationship to Plaintiff’s claims.

Accordingly, Plaintiff’s Motion for Judgment is **DENIED**.

IT IS SO ORDERED this 19th day of April, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge